

RESPONSE TO FINAL OFFICE ACTION

Appln. No. 10/808,862

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REMARKS

This is in response to the final Office Action dated March 23, 2006. Reconsideration is respectfully requested.

Request for Continued Examination

Applicant files a Request for Continued Application under 37 CFR 1.114 along with this reply. Enclosed is Credit Card Form PTO-2038 authorizing the charge of \$790 pursuant to 37 CFR 1.17(e).

Interview Summary

Applicant thanks the Examiner for granting the telephone interview held May 3, 2006, wherein Claims 1 and 43 were discussed in detail along with the remaining pending claims at that time. Furthermore, cited references U.S. Patent No. 6,235,365 to Schaughency et al and U.S. Patent No. 2,770,816 to Reisner were also reviewed in depth.

Although no agreement was reached on allowability of any pending claims, applicant suggested that the independent claim be amended to recite that the pull thread extends through the thickness of the cover sheet, that the opposite ends of the pull thread are on opposite sides of the cover sheet, that the pull thread pulls the cover sheet in one piece and that the anchoring element be limited to the described embodiment. Applicant also agreed to cancel Claim 43, drawn to a method.

The Examiner did agree that the 112 rejection would be withdrawn provided the applicant furnished copies of relevant pages from a German-English Technical Dictionary providing substantiation for his assertions regarding amending the term "tear thread" to "pull thread" on the basis of correcting a translation error.

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Applicant's attorney argued that the claims distinguished over Schaughency et al due to various structural differences, namely, that the pull thread 7 extends through the sheet and is used to remove the sheet but not tear the sheet from the adhesive layer. Similar arguments were made regarding Reisner, wherein the pull thread does not pass through the cover sheet.

Acknowledgement of Allowable Subject Matter

Claims 21-43 are pending. Applicant acknowledges, with appreciation, that Claims 24, 28-30, 33, 35, 36, 39, 41 and 42 would be allowable if rewritten in independent form to include the recitation of their respective base claims and any intervening claims upon which they depend.

Summary of Rejections

Claims 21-43 are rejected under 35 USC 112, first paragraph, for the applicant's substitution of the term "pull thread" for "tear thread", the Examiner contending that "pull thread" is found to be new matter and not supported in the application. As agreed during the aforementioned telephone interview, applicant submits herewith the relevant pages from the *German-English Technical and Engineering Dictionary* by DeVries and Herrmann (New Second Edition, 1966) showing that the compound German term "Reissfaden" may be translated as "tear thread", the German word "reiss" being defined as either "pull" or "tear", and the word "Faden" being defined as "thread" according to the cited dictionary. This submission demonstrates that the term "pull thread" is not new matter, but a plausible alternative to the term "tear thread", and it is furthermore clear from the context of the application that "pull thread" is a more appropriate translation of the term "Reissfaden" than "tear thread" as used in the original translation.

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Claims 21, 23, 25 and 32 are rejected as anticipated by Schaughency et al. Claims 22, 26, 27, 31, 34, 37, 38 and 40 are rejected as obvious over Schaughency et al. Claims 21, 22, 25, 26, 31, 37 and 43 are rejected as anticipated by Reisner. Claims 23, 27, 32, 34, 38 and 40 are rejected as obvious over Reisner in view of Schaughency et al.

The Argument

Applicant respectfully traverses the rejections, contending that the cited references fail to meet the requirements to support a rejection on the basis of anticipation and fail to establish a prima facie case of obviousness. This is shown in the arguments presented below on a claim-by-claim basis.

Claim 21

Independent Claim 21 is drawn to a sealing strip and recites that the strip has a pull thread that extends through the thickness of a cover sheet positioned over an adhesive layer positioned on a first surface of a flexible layer. The claim further recites that one end of the pull thread protrudes from one side of the cover sheet, and an opposite end of the pull thread is positioned on an opposite side of the cover sheet. A planar anchoring element is attached to one of the ends for removing the cover sheet from the adhesive layer in one piece.

This is very different from Schaughency et al, which, as shown in Figure 1 of that reference, discloses a membrane 10 having a tear thread 16 that is positioned (when the sealing strip is intact) between a release liner 14 and an adhesive layer 12. The tear thread does not extend through the thickness of the release liner or protrude from one side of it, but is captured wholly on one side. (It is appropriate to compare the claim to the intact structure of Schaughency et

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al, and not to the structure as shown in Figure 1 wherein a portion of the release liner 14 is partially removed, because the claim itself is directed to the sealing strip structure before it is prepared for application.) Furthermore, the tear thread 16 does not have an anchoring element as recited in the claim. The anchoring element is not present because the tear thread 16 is not intended to effect removal of the release liner 14 from the adhesive layer, but is designed to tear the release liner to allow removal of a portion of it from the adhesive layer. This is articulated in the abstract and at column 2, lines 49-55 of Schaughency et al.

As shown above, Schaughency et al does not teach every element of Claim 21 and, therefore, cannot properly support a rejection of this claim on the basis of anticipation. Furthermore, Claims 22-42 depend, either directly or indirectly, on Claim 21 and should be allowable over Schaughency et al for the same reasons that Claim 21 is allowable.

Applicant further notes that dependent Claims 22, 26, 27, 31, 34, 37, 38 and 40 are rejected as obvious in view of Schaughency et al. Applicant contends that Schaughency et al also fails to support rejections on the basis of obviousness, because to establish a prima facie case of obviousness, it is necessary that the reference teach or suggest all claim limitations. As shown above, Schaughency et al does not teach or suggest all of the elements recited in independent Claim 21, the base claim for all of the independent claims. As such, none of the dependent claims teaches or suggests all of the claim limitations. Nor is there any motivation or suggestion to modify the teachings of Schaughency et al to include the elements recited in Claim 21. By failing to teach or suggest all claim limitations Schaughency et al does not meet the requirements for establishing a prima facie case of

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obviousness and, therefore, cannot support a rejection of any of applicant's claims on this basis.

Claim 21 is also rejected as anticipated by Reisner. However, Reisner is no more relevant than Schaughency et al because it also fails to teach all claim elements recited in Claims 21 and, therefore, cannot properly support a rejection of that claim on the basis of anticipation.

As shown in Figure 6 of Reisner, a pull cord 8d is attached to a masking strip 8c covering an adhesive coating 8 on a length of tape 7. The pull cord 8d is passed over the outside of the strip 8c and secured to it at opposite ends by stitching 8e (see column 3, lines 60-65). Clearly, Reisner does not teach a pull thread that: (1) extends through the thickness of the cover sheet; (2) has opposite ends that are positioned on opposite sides of the cover sheet; and (3) have a planar anchoring element at one end as recited in Claim 21. Reisner fails to meet the requirements for anticipation, namely, that to anticipate a claim, the reference must teach all claim elements. Applicant, therefore, respectfully asserts that the rejection of Claim 21 as anticipated by Reisner is improper and should be withdrawn.

Applicant further notes that Claims 22-42 depend, either directly or indirectly, on Claim 21 and should be allowable over Reisner for the same reasons that Claim 21 is allowable.

The Examiner has also rejected Claims 23, 27, 32, 34, 38 and 40 as obvious over Reisner in view of Schaughency et al. However, neither reference, either alone or when combined, teaches or suggests all of the elements of Claim 21, the base claim for the rejected dependent claims. The references, thus, fail to meet the criteria necessary to establish a prima

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facie case of obviousness and, therefore, cannot properly support a rejection of any of the claims on that basis.

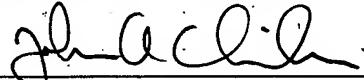
Summary

Applicants have demonstrated in the arguments presented above that neither cited reference anticipates any of applicant's claims because not all claim elements are taught in either reference. Further, it has been conclusively shown that these references, both alone and combined, fail to support a rejection of the claims on the basis of obviousness because the references do not meet the criteria necessary to establish a prima facie case of obviousness. Applicant therefore contends that the claims, as amended, are allowable over Schaughency et al and Reisner, and respectfully requests that the rejections be withdrawn and the application passed to issue.

Respectfully submitted,

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Enclosures

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